

FILED

2008 JUL 31 PM 2:53

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos RUBIO-Inzunza,

Defendant.

Magistrate Case No.:

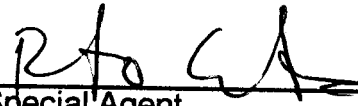
'08 MJ 2362

COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 29, 2008, within the Southern District of California, defendant Carlos RUBIO-Inzunza did knowingly and intentionally import approximately 2428.44 kilograms (5342.57 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 31st
DAY OF JULY 2008.


U.S. MAGISTRATE JUDGE

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3 UNITED STATES OF AMERICA

4 v.

5 Carlos RUBIO-Inzunza

6 STATEMENT OF FACTS

7 This Statement of Facts is based on the reports, documents, and notes furnished to United
8 States Immigration and Customs Enforcement Special Agent Chad N. Worgen.

9 On July 29, 2008, at approximately 1410 hours, Carlos RUBIO-Inzunza (RUBIO)
10 entered the United States from Mexico at the Calexico, California Commercial Port of Entry
11 (POE). RUBIO was the driver and sole occupant of a 1995 Ford cargo (bobtail) truck. RUBIO
12 was employed as a truck driver for "Transportes Binacionales R A," located in Mexicali, Baja
13 California, Mexico.

14 Customs and Border Protection Officer (CBPO) R. Garcia was conducting primary
15 inspections when RUBIO and the truck applied for entry into the United States. CBPO Garcia
16 received a negative oral Customs declaration from RUBIO. During questioning, CBPO Garcia
17 observed RUBIO was avoiding eye contact, and referred both RUBIO and the truck for a
18 secondary inspection (x-ray examination of truck).

19 CBPO A. Felix x-rayed the truck driven by RUBIO. CBPO Felix observed anomalies
20 within the front, middle, and rear cargo areas of the truck. CBPO Felix referred RUBIO and the
21 truck for a tailgate examination and canine screening.

22 Canine Enforcement Officer (CEO) E. Leon screened the truck driven by RUBIO with
23 his Narcotics/Human Detector Dog (NHDD), which alerted to numerous areas of the truck.
24 CBPO I. Mejia Jr. conducted an intensive inspection of the cargo located within the truck.
25 CBPO Mejia removed the seal located on the rear doors and entered the truck. CBPO Mejia
26 opened a box and discovered packages which he believed contained controlled substances.
27 CBPO Mejia probed a package, and it produced a green leafy substance that field tested positive
28 for marijuana. California Immigration and Customs Enforcement (ICE) Special Agents in
Calexico, California were contacted regarding the marijuana.

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3 ICE Agents initiated a follow-out of the cargo truck containing the unknown amount of
4 marijuana. RUBIO drove the truck north from Commercial POE to the California Highway
5 Patrol (CHP) inspection station. At the CHP inspection station, ICE Agents verified the truck
6 contained marijuana, and released RUBIO and the truck.

7 RUBIO drove the marijuana laden truck northeast to an industrial park area located at
8 Portico Road and Robinson Road in Calexico, California. RUBIO parked the truck,
9 disembarked, and walked away. However, he stayed in the vicinity of the truck. At all times,
10 RUBIO and the truck were under constant surveillance by ICE Agents. After approximately
11 one hour of surveillance, RUBIO walked to a local business and contacted local law
12 enforcement. ICE Agents, in coordination with the Calexico Police Department, took RUBIO
13 into custody and secured the cargo truck containing the marijuana.

14 RUBIO and the cargo truck were transported to Calexico, California Ports of Entry for
15 processing. CBPO Mejia conducted an intensive inspection of the rear cargo area and
16 discovered a total of thirty-seven (37) boxes commingled within a shipment of legitimate
17 merchandise. The boxes contained a total of three hundred and sixteen (316) packages of
18 marijuana with a total weight of 2428.44 kilograms (5342.57 pounds).

19 RUBIO was arrested for violating 21 U.S.C. sections 952 and 960, Importation of a
20 Controlled Substance. RUBIO was advised of his Constitutional rights per Miranda, which he
21 acknowledged and waived, and agreed to be interviewed. RUBIO admitted he knew the
22 marijuana was in the cargo truck. RUBIO stated he knew it was illegal to import marijuana into
23 the United States. RUBIO further stated he was told there were five hundred (500) kilograms of
24 marijuana concealed within the cargo truck, and that he was to be paid \$10,000.00 USD for his
25 participation in the smuggling operation. RUBIO was processed and transported to the Imperial
26 County Jail.
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